

Notice of Allowability

Application No.

10/081,885

Examiner

Maher M. Haddad

Applicant(s)

KAUFMAN, STEPHEN J.

Art Unit

1644

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

If claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

☒ This communication is responsive to 11/3/03.☒ The allowed claim(s) is/are 1-3.☐ The drawings filed on _____ are accepted by the Examiner.☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).a) ☐ All b) ☐ Some* c) ☐ None of the:1. ☐ Certified copies of the priority documents have been received.2. ☐ Certified copies of the priority documents have been received in Application No. _____.3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.(a) ☐ The translation of the foreign language provisional application has been received.☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application. **THIS THREE-MONTH PERIOD IS NOT EXTENDABLE**

☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.(a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached1) ☐ hereto or 2) ☐ to Paper No. _____.(b) ☐ including changes required by the proposed drawing correction filed _____, which has been approved by the Examiner.(c) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No. _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the margin according to 37 CFR 1.121(d).

☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)☐ Notice of References Cited (PTO-892)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No. _____☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material5 ☐ Notice of Informal Patent Application (PTO-152)6 ☒ Interview Summary (PTO-413), Paper No. 1/21/04.7 ☒ Examiner's Amendment/Comment8 ☐ Examiner's Statement of Reasons for Allowance9 ☐ Other

DETAILED ACTION

1. Applicant's amendment, filed 11/03/03, is acknowledged.

EXAMINER'S AMENDMENT

2. An Examiner's Amendment to the record appears below. Should the changes and/or additions be unacceptable to Applicant, an amendment may be filed as provided by 37 C.F.R. § 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the Issue Fee.

3. Authorization for this Examiner's Amendment was given in a telephone interview with Donna M. Ferber on 1/21/04.

In the Claims:

4. Claims 4-6 and 24 have been canceled.

5. In claim 1(b), lines 1-2, the phrase "a transcription product of an α 7A integrin gene using hybridization or reverse transcriptase-polymerase chain reaction or" has been deleted.

6. In claim 1(c), line 1, the phrase "transcription or" has been deleted.

7. In claim 1(c), line 2, the phrase "transcription or" has been deleted.

8. In claim 1(d), line 3, the phrase "transcription or" has been deleted.

9. In claim 1, line 22, the -- (e) detecting a translation product of a laminin gene using a detectable laminin-specific antibody, whereby scapulooperoneal muscular dystrophy is diagnosed when laminin expression is normal and α 7A integrin expression is reduced in the muscle tissue sample.-- has been inserted after "the same tissue of a normal individual".

10. Claims 1-3 are allowable.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Maher Haddad, whose telephone number is (571) 272-0845. The examiner can normally be reached Monday to Friday from 8:00 to 4:30. A message may be left on the examiner's voice mail service. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christina Chan can be reached at (571) 272-0841. Any inquiry of a general nature or relating to the status of this application should be directed to the Technology Center 1600 receptionist whose telephone number is (703) 308-0196.

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Papers related to this application may be submitted to Technology Center 1600 by facsimile transmission. Papers should be faxed to Technology Center 1600 via the PTO Fax Center located in Crystal Mall 1. The faxing of papers must conform with the notice published in the Official Gazette, 1096 OG 30 (November 15, 1989). The CM1 Fax Center telephone number is (703) 872-9306.

Maher Haddad, Ph.D.
Patent Examiner
Technology Center 1600
January 21, 2004

PHILLIP GAMBEL
PHILLIP GAMBEL, PH.D
PRIMARY EXAMINER
TECH CENTER 1600
1/26/04